

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please add "Brief Description of Drawings" to line 7 on page 3 of the specification.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 22 September 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Fig. 1 requires legends for the functional blocks. Applicant is

Art Unit: 2614

advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Allowable Subject Matter***

Claims 1 – 12 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 claims a digital volume control device, including conversion means and averaging means. The closest prior art, Oxford (U.S. 6,405,092) discloses a similar method of volume control, but does it by shifting bits rather than converting sampling frequencies with specific ratios (i.e. k/j) and does not disclose averaging means for multiplying intermediate signals. These conversion means and averaging means (and their specific details in claim 1) are not taught nor made obvious by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW C. FLANDERS whose telephone number is (571)272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Application/Control Number: 10/550,339  
Art Unit: 2614

Page 5